IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Crl.MC.No. 470 of 2007()

ST.242/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

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PETITIONER: ACCUSED

PATHUMMA, D/O.KUNJALI, AGED 38 YEARS,
MANGADAKUDIYIL HOUSE,
BHEEMANAD AMSOM, VADASSERIPURAM DESAM,
MANARKAD TALUK.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:COMPLAINANT

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.470 of 2007

Dated this the 22nd day of February, 2007

ORDER

The petitioner, a woman, faces indictment in a prosecution under Section 138 of the N.I Act. The case was pending before the learned Judicial Magistrate of the First Class-III, Trichur. According to the petitioner, the case has been transferred subsequently to the Judicial Magistrate of the First Class-I, Palakkad. The petitioner contends that she was not aware of the transfer and therefore she could not appear before the learned Magistrate at Palakkad. The petitioner submits that her inability to appear before the learned Magistrate at Palakkad is not wilful and is due to the fact that she had no knowledge of the transfer of such proceedings. The petitioner is now willing to appear before the learned Magistrate at Palakkad. But the petitioner apprehends that her application for bail may not be considered by the learned Magistrate at Palakkad on merits, in accordance with law and expeditiously. She therefore prays that directions may be issued under Section 482 Cr.P.C to the learned Magistrate at Palakkad to release the petitioner on bail when she appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances

under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such cause to be shown by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions need be issued. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-